

Received By ECC: Mon Jul 27, 1998

From: Cheryl Bridgman

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16/23/98 15:00 To: William Kennard

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYOFFICE OF THE ASSISTANT CITY MANAGER
(520) 779-7602

June 23, 1998

VIA FACSIMILE: 202-418-0232
NUMBER OF PAGES (INCLUDING THIS PAGE): 2Chairman William Kennard
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554*Ex Parte Filing in cases FO 91-171; FO 91-301*

Dear Chairman Kennard:

Please reject the proposed change in your Emergency Alert System (EAS) rules. It would prevent people watching local TV stations on a cable system from receiving emergency announcements from their local public safety authorities.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authority. Otherwise the public safety is harmed. So please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety. They have trained public safety authorities on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Where they have felt it necessary (such as TV station announcements being inadequate or needing supplementing) municipalities require all channel local alert systems in their cable franchises. It is a violation of Federalism, common sense and your statutory duty to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case by case basis, as reflected in their cable franchise. This decision cannot be turned over by a private party with no public safety obligation.

211 West Aspen Avenue, Flagstaff, Arizona 86001
Main & TDD (520) 774-5281; Fax (520) 779-7696No. of Copies rec'd
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From: Cheryl Bridgman

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Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately. The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if it is a problem at all. The NAB's proposed rule is unacceptable because it guarantees a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

Emergency information on TV stations can be helpful by typically applies mainly to weather. Local emergency alerts are also used for other types of emergencies, such as hazardous material spills, gas leaks, prison escapes, street and bridge closings and local snow emergencies. TV stations typically don't cover these. In part, this is because TV stations serve hundreds of communities. They don't cover local emergencies which affect only one community. Cable systems are often the best or only means for municipalities to alert their residents to local emergencies which reflect local conditions.

The Cable Act allows communities in renewals to require cable systems to meet community needs. Local emergency alert systems are part of meeting such needs. Because they are protected by these provisions of the Cable Act you cannot preempt them. And any attempt at preemption would violate the principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Sincerely,

/s/ Jeri M. Dustir

JERI M. DUSTIR
Assistant City Manager

cc: Commissioner Harold Furchigott-Roth, FCC
Commissioner Michael Powell, FCC
Commissioner Gloria Tristano, FCC
Commissioner Susan Ness, FCC
Mr. John Logal, Acting Chief, Cable Services Bureau
Ms. Magalie Romal Salas, Secretary, FCC